IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1627 OF 2005

Mr. Jeevan Padmanna Jadhav ..Petitioner.

Versus

The State of Maharashtra ..Respondents.

Mr. N. D. Kambli i/b. Mr. A. M. Saraogi for the Petitioners.
Mr. R. M. Sawant, G.P. for the Respondents.

CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 20TH JULY, 2005

ORAL JUDGMENT :

The Petitioner alleges to be a Secretary of a Political Party and has filed this Petition with the prayer that the directions be issued to the Police Department to regularise and publish their transfer policy in the Police Department of the State of Maharashtra.

2. The Petitioner has also prayed that a direction be issued to the Respondents to hold an enquiry as to how many officers who are falling in the reserved category have been transferred ?

3. The Petitioner has further prayed that the Respondents be directed to disclose as to on what policy the majority of the members of the reserved category are holding the post of ACP in the

City of Mumbai who have been ordered to be transferred outside City of Mumbai.

4. The Petitioner has also prayed that the order in respect of 28 ACPs. including 26 ACPs. hailing from reserved category, be stayed.

5. Admittedly, this Petition is not filed on behalf of any of the police officers who have been transferred. Those officers who have been transferred have already joined their respective places of transfer.

6. Transfer is a matter of administrative exigency and it is for the employer to decide regarding suitability of the employee in different positions at different places. The scope of interference in the matter of transfer is extremely limited. The Courts are usually reluctant to interfere in matters of transfer unless the transfer orders have been made against statutory rules or are otherwise motivated by extraneous considerations. In the instant case, none of the transferred officers have any grievance against their transfer orders. In such a matter outside agency or any busybody cannot be permitted to interfere with the normal functioning of the police organisation. The

learned Counsel for the Respondent State submits that 116 officers have been transferred in the routine manner according to the settled norms of the Department and all of them have joined at their respective places of transfer.

7. In *R. K. Jain v. Union of India (1993) 4 SCC, 1999,* the Apex Court has observed that it is the settled position of law that it is for the aggrieved person to assail the legality of the offending action and that a third party would have no *locus standi* to canvass the legality or correctness of the action.

8. In *Ashok Kumar Pandey v. State of West Bengal, AIR 2004 Supreme Court, 280,* the Court held that in service matters, public interest litigation should not be entertained. The Court has specifically observed that the inflow of so-called PILs involving service matters continues unabated in the Courts and the PILs strangely are entertained. The least the High Court could do is to throw them out on the basis of the said decision. Similar view has also been taken in *Dr.Duryodhan Sahu v. Jitendra Kumar Mishra & Ors., AIR 1999 Supreme Court, 114.*

9. This Court also while following these judgments has

dismissed PIL No.63 of 2003 (*Labour Research & Consultancy Bureau & Anr. v. Ankush More & Ors.*). Despite that, this Writ Petition has been filed.

10. In our considered view, this Petition is total abuse of the process of law. Any interference at the behest of the Petitioners would lead to disastrous consequences. All those who have been transferred and joined their respective places do not have any clue of this Petition. It is clear that this Petition has been filed with an oblique motive. Such Petitioners cannot be encouraged to invoke extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India. This Petition deserves to be dismissed with costs, which are quantified at Rs.10,000/- to be paid within four weeks from today to the High Court Legal Services Committee.

CHIEF JUSTICE

S.J. VAZIFDAR, J.